

REMARKS

Claims 1-21 are pending. Claims 1-7 are rejected under 35 USC 112. Claims 1-21 are rejected under 35 USC 102(e). No claims are amended herein. No new matter has been added.

112 Rejections

Claims 1-7 are rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has cited the phrase “concurrent with data outputting” as being indefinite. However, the Applicants respectfully submit that the usage of the cited phrase in the context of Applicants’ Claims is consistent with what is generally accepted as being grammatically proper. In fact, what is intended is the plain meaning of the cited phrase - happening at the same time that data is output. Similarly, the phrases “adjusting the level of said cache concurrent with incoming data and data outputting,” and a “maximum cache level” are intended to convey their plain meaning, respectively that the level of the cache is adjusted during a period when data is input and is output, and a maximum level that may be attained by a cache. Therefore, as the cited phrases are indeed definite and do particularly point out the subject matter of the invention, the Applicants respectfully request the withdrawal of the rejection of Claims 1-7 under 35 U.S.C. 112.

102 Rejection

Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kadansky et al. (U.S. Patent No. 6,507,562). The Applicants have reviewed the cited reference and respectfully submit that the present invention as is set forth in Claims 1-21 is not anticipated or rendered obvious by Kadansky et al. (U.S. Patent No. 6,507,562).

The Examiner is respectfully directed to independent Claim 1, which recites that embodiments of the present invention are directed to a method of caching data that includes:

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...filling a cache with incoming data to a first level, said filling at a rate relative to said incoming data; increasing said cache from said first level to an optimum level concurrent with data outputting; and adjusting the level of said cache concurrent with incoming data and data outputting to prevent said level of said cache from exceeding a maximum cache level and to prevent said level of said cache from decreasing below said first level, such that continuous streaming outputting of said data is provided.

Independent Claims 8 and 15 recite limitations similar to those of independent Claim 1. Claims 2-7, 9-14 and 16-21 depend from Claims 1, 8 and 15 respectively and set forth further limitations of the claimed invention.

Kadansy et al. does not anticipate or render obvious Applicants' invention as recited in Claims 8 and 15 as several of the recited limitations are not shown or taught. Specifically, Kadansky et al. does not anticipate or render obvious a method of caching data that includes "filling a cache with incoming data to a first level, said filling at a rate relative to said incoming data; increasing said cache from said first level to an optimum level concurrent with data outputting; and adjusting the level of said cache concurrent with incoming data and data outputting to prevent said level of said cache from exceeding a maximum cache level" as is recited in Applicants' Claims. It should be appreciated that in order to meet the limitations of Applicants' Claim 1, a reference must show the specific steps of the recited process that are set forth in Claim 1. In short, the reference must show or teach: (1) filling a cache to a first level, (2) increasing the cache from the first level to an optimal level, and (3) and adjusting the level of the cache while data is being input and output to/from the cache.

Kadansky et al. does not show or teach the Claim 1 elements outlined above.

Kadansky et al. only discloses in a system of receivers, a method for locating repair heads near member stations. Kadansky et al. discloses that “each of the repair heads maintains a cache of multicast packets received from the sender and flushes the packets out of the cache after receipt of the cached packets by all of the members of its repair group” (see column 14, lines 20-25). As such, the flushing out of a repair head’s cache of multicast packets is triggered when the receipt of cache packets by all of the members of a repair head’s repair group has been acknowledged. This stands in marked contrast to the operations encompassed by embodiments of the Applicants’ invention set forth in Claim 1 which requires that a cache be increased from a first level to a second level (optimal level) concurrent with data outputting. Accordingly, no single event triggers the outputting of data in the embodiment of Applicants’ invention that is set forth in Claim 1. Nowhere, does Kadansky et al. show or suggest a method of caching data that includes “increasing said cache from said first level to an optimum level concurrent with data outputting” as is recited in Claim 1. Consequently, Kadansky et al. does not anticipate or render obvious the embodiment of the Applicants’ invention as set forth in Claim 1.

Therefore, Applicants respectfully submit that Kadansky et al. does not anticipate or render obvious the present claimed invention as recited in Claims 1, 8 and 15, and as such, Claims 1, 8 and 15 are in condition for allowance. Accordingly, Applicants also respectfully submit that Kadansky et al. does not anticipate or render obvious the present claimed invention as is recited in Claims 2-7 dependent on Claim 1, Claims 9-14 dependent on Claim

8, and Claims 16-21 dependent on Claim 15, and that Claims 2-7, 9-14 and 16-21 overcome the basis for rejection under 35 U.S.C. 102 as being dependent on an allowable base claim.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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